

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALEXUS WILLIAMS, AS
SURVIVING NEXT OF KIN OF
DEWAYNE WILLIAMS,

Plaintiff,

v.

Case No. 1:23-cv-04927-ELR

JAY E. JOHNSON; MARK
LEGARDA; MARTIN RUSSO;
MATTHEW EAST; DOUG
BONDAR; MARK BARNES;
NANCY LIVINGSTON; KENDALL
PATIENT RECOVERY U.S., LLC;
KPR U.S. LLC; CARDINAL
HEALTH, INC. and JOHN DOE NOS.
1-10

Defendants.

**MEMORANDUM IN SUPPORT OF
STIPULATED MOTION FOR EXTENSION
TO RESPOND TO COMPLAINT**

Defendants KPR U.S., LLC/Kendall Patient Recovery U.S., LLC (collectively, “KPR”), Cardinal Health, Inc., Mark Legarda, Martin Russo, Mark Barnes, Nancy Livingston, Jay E. Johnson, Doug Bondar, and Matthew East (“Defendants”) respectfully move for an extension to respond to Plaintiff’s complaint (Doc. 1-1) until fourteen (14) days after resolution of the pending motion to transfer (Doc. 5) and forthcoming motion to remand. Defendants’ current deadline to respond to the complaint is November 2.

PROCEDURAL BACKGROUND

On October 10, 2023, Plaintiff filed a complaint for damages in the State Court of Gwinnett County, Georgia. (Doc. 1-1.)

On October 26, 2023, Defendants removed the case from Gwinnett County State Court to the U.S. District Court for the Northern District of Georgia. (Doc. 1.) On October 30, 2023, Defendants moved to transfer the case to the Southern District of Georgia. (Doc. 5.)

Sixteen plaintiffs filed individual renewal complaints in the State Court of Gwinnett County, Georgia on March 22, 2023. Defendants removed the actions to this Court. The sixteen related cases have been consolidated and are subject to a pending motion to transfer to the Southern District of Georgia and motion to remand to state court. *Lambert v. Johnson*, No. 1:23-cv-01542-ELR, ECF Nos. 7, 18 (N.D.

Ga.). This Court granted Defendants' unopposed motion for extension of time to respond to the complaints in those cases until fourteen days after resolution of the pending motion to transfer and motion to remand. (*Id.* at ECF No. 36.)

ARGUMENT AND CITATIONS TO AUTHORITY

The parties agree there are threshold issues that should be determined in this case before Defendants' forthcoming motion to dismiss is filed including: (1) whether this case should be transferred to the Southern District of Georgia, and (2) whether remand of this case to state court is appropriate. Pending consideration of these threshold issues, Defendants respectfully request an extension to respond to the complaint.

I. Legal Standard

“[D]istrict courts enjoy broad discretion in deciding how best to manage the cases before them.” *Roberts v. FNB S. of Alma, Georgia*, 716 F. App’x 854, 857 (11th Cir. 2017) (citation omitted). That discretion includes the authority to grant an extension to respond to a complaint where an extension serves the best interests of the parties and the Court.

II. The Court Should Extend Defendants’ Response Deadline

The Court should grant an extension to respond to the complaint because it is in the interests of the parties and the Court, and an extension would aid in the

efficient administration of this action. Plaintiff intends to file a motion to remand to state court within the time provided.

The Court should grant an extension to respond to the complaint because it is in the interests of the parties to resolve the motion to transfer and motion to remand prior to Defendants filing a dispositive motion. No party would be prejudiced by an extension of the response deadline because Plaintiff consents to and does not oppose this motion. Consideration of the threshold questions also would serve the parties and the Court in the efficient administration of the case.

CONCLUSION

Accordingly, in the interests of judicial efficiency, the Court should grant Defendants' request for an extension. No party would be prejudiced by an extension of Defendants' response deadline, and Plaintiff does not oppose this motion.

Respectfully submitted this 31st day of October, 2023.

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